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|--|----------------------|------------------------|----------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 09/827,812 | |
| | Filing Date | 04/06/2001 | |
| | First Named Inventor | Pollard et al. | |
| | Group Art Unit | 2161 | |
| | Examiner Name | Gilligan, Christopher | |
| Total Number of Pages in This Submission | 9* | Attorney Docket Number | 0419-015 |

| ENCLOSURES (check all that apply) | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Cited references Return Receipt Postcard * Total pages of references not included |
| Remarks | | |

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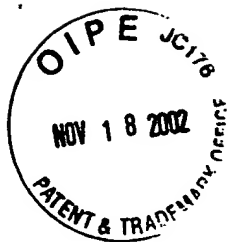
NOV 21 2002

GROUP 3600

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|----------------|
| Firm or Individual name | Kevin E. Flynn |
| Signature | |
| Date | 11/14/2002 |

| CERTIFICATE OF MAILING | | | |
|--|-------------------|------|------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: November 14, 2002 | | | |
| Typed or printed name | Lynette M. Bailey | | |
| Signature | | Date | 11/14/2002 |

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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|--|----------------|------------------|-----------------------|
| Applicant: | Pollard et al. | Attorney Docket: | 0419-015 |
| Serial No: | 09/827,812 | Examiner: | Gilligan, Christopher |
| Filed: | 04/06/2001 | Art Unit: | 2161 |
| TITLE: Automated Sample Tracking and Generation of Corresponding Prescription | | | |

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington D.C. 20231

Transmitted herewith are Forms PTO/SB08A and PTO/SB08B listing documents provided with this Second Supplemental Information Disclosure Statement that may be relevant to the subject application. It is respectfully requested that these documents be considered by the Examiner and an initialed copy of the forms be returned to the undersigned. It is believed that this disclosure complies with the requirements of 37 CFR §§ 1.56, 1.97 and 1.98 and the MPEP § 609. If for some reason the Examiner considers otherwise, it is respectfully requested that the undersigned be called so that any deficiencies can be remedied.

Submission of these documents is consistent with the broadest interpretation of the duty of disclosure. In accordance with the rule for patent prosecution, such a submission is not to be construed as an admission that the information cited in the Information Disclosure Statement is, or is considered to be, material to patentability as defined in §1.56. Applicant respectfully reserves the right to challenge a conclusion that any of the submitted material represents information constituting prior art to the present application or that the information that applicant has located would be of the type used by one of ordinary skill in the art in solving the problems addressed in the present application. The submission of these materials is consistent with the duty of disclosure and should not be interpreted as an indication that applicant has made a prior art search such that the Examiner should not undertake to conduct an independent prior art search.

Please note that the information gathered by applicant comes from pages posted on servers maintained by third parties on the World Wide Web. Thus, the material changes over time, often without the maintenance of an archive copy. It is thus extremely difficult to assess whether a particular product which may be of interest to the examiner was in the public domain before the relevant priority date.

Applicants provide the following information to help introduce the Examiner to the cited art. Applicants' Attorney has skimmed the cited art and has located some material that the Examiner may find relevant. Applicants encourage the Examiner to read the cited art carefully to seek all portions that may be relevant to one or more pending claims.

Archived Web Pages from www.pyxis.com

Applicants have accessed archived web pages maintained at www.archive.org ("WayBack Machine"). The filing date for this application is April 6, 2001 and the filing date for the provisional parent application is April 7, 2000. Applicants have printed pages from what is purported to be archived pages collected on October 18, 2000. This September 27, 2000 press release describes "SampleStation™, An Automated System for Managing Drug Samples". The press release references a pilot program for the new system but it does not specify whether the pilot programs started before the April 7, 2000 filing date of the provisional application.

To augment this information about the Pyxis SampleStation™, this IDS includes a set of patents assigned to Pyxis for various aspects of its medication carts and related products.

Web Pages from JCAHO

This IDS contains material from the web site of the Joint Commission on Accreditation of Healthcare Organizations. The document "Pharmacy FAQ" shows a revision date of 9/12/00. Much of the FAQ material relates to JCAHO concerns about the handling of drug samples in that drug samples have been handled without the controls associated with other prescription drugs. This document helps illustrate the environment of the problem and suggested elements of a policy regarding control of samples.

AdvancePCS, ePocrates Handheld Technology Drives Physician Office Efficiency.

This January 9, 2001 article teaches providing drug reference and formulary information on a Palm Vx handheld device at the point of care.

Archived Web Pages from www.parkstone.com

This IDS includes material from archived web pages maintained at www.archive.org ("WayBack Machine"). Applicants have printed pages from what is purported to be archived pages collected on February 2, 2001.

The web pages describe a handheld solution for physicians including a prescription tool to electronically prescribe medication in compliance with insurance formularies.

Archived Web Pages from www.proxymed.com

Applicants' attorney has accessed archived web pages maintained at www.archive.org ("WayBack Machine"). Applicants' attorney has printed pages from what is purported to be archived pages collected on May 15, 2001, more than a month

after the filing date of this application and more than a year after the filing of the provisional, but this may represent actions of ProxyMed before the filing date of the present application. Applicants' attorney has skimmed this material and it appears to be limited to a set of Web enabled solutions relying on personal computers (see for example the pages titled "proxyMed.com Technology"). The section labeled "Pharmacies" asserts that ProxyMed's advanced Electronic Prescription EDI technologies help pharmacies control costs while meeting customers' growing demands for speed and accuracy. A brief examination of the submitted materials did not reveal any suggestion that would address the problems of providing drug samples.

Archived Web Pages from www.ephysician.com

Applicants' attorney has accessed archived web pages maintained at www.archive.org ("WayBack Machine"). Applicants' attorney has printed pages from what is purported to be archived pages collected on March 4, 2000 and April 4, 2001 (the sets are distinguishable by the use of 2000 or 2001 in the archive URL). ePhysician provides tools for physicians on a Palm™ handheld device, including tools for prescribing medications. From the archived material, it appears that these tools were focused on transmitting prescriptions to pharmacies. I do not see any indication that the tools were adapted to address the issue of medical samples or incorporate a reader peripheral (such as a bar code reader) into the solution.

Barcode Standard

The enclosed pages showing UCC/EAN-128 barcode format include the ability to include a HIBCC code for Quantity, Date, Batch and Link.

Archived Web Pages from www.clineffect.com

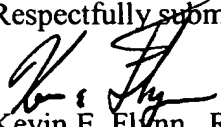
MDeverywhere was originally known as ClinEffect Systems, Inc. This IDS conveys material found from what www.archive.org ("WayBack Machine") asserts was on the ClinEffect web site on February 20, 1999. This material sets forth the Vision and history of the company. In 1999, the company was using a Palm Pilot to provide tools to physicians.

The archived pages include a link to material on www.microsoft.com which describes the technology employed in a Microsoft "Solution Overview".

In a February 22, 1999 press release (surprisingly on the February 20, 1999 version of the web site) Symbol Technologies announces a partnership with ClinEffect Systems to provide a customized solution for Duke University Medical Center. This solution was said to enable DUMC's physicians to scan patient wristbands for identification, view the patient's profile on screen, select relevant patient care codes, and make any clinical notations all at the point and time of patient care. This material does not teach or suggest a system to manage sample tracking and automatic generation of a corresponding prescription.

Dated: November 14, 2002

Respectfully submitted,


Kevin E. Flynn Reg. No. 37,325

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Research Triangle Park, NC 27709
Voice 919.544.5444
Fax 919.544.5920
email Kflynn@daniels.com

Enclosures

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

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|------------------------|-----------------------|
| Application Number | 09/827,812 |
| Filing Date | 04/06/2001 |
| First Named Inventor | Pollard et al. |
| Group Art Unit | 2661 |
| Examiner Name | Gilligan, Christopher |
| Attorney Docket Number | 0419-015 |

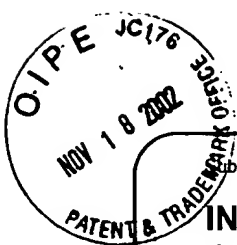
| | | | |
|-------|---|----|---|
| Sheet | 1 | of | 3 |
|-------|---|----|---|

| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published | T ² |
|-------------------|-----------------------|--|----------------|
| | AA | Archived Web Pages from www.archive.org (printed November 7, 2002) from www.pyxis.com dated October 18, 2000, entitled <i>Pyxis Corporation Introduces Samplestation™ an Automated System for Managing Drug Samples</i> (3 pages). | |
| | BB | Web Pages from www.JCAHO.org entitled <i>Pharmacy FAQ</i> (revised September 12, 2000), <i>Joint Commission on Accreditation of Healthcare Organizations</i> , http://www.jcaho.org/standard/pharm_faq.html , printed September 27, 2000, 20 pages | |
| | CC | Web pages from AdvancePCS dated January 9, 2001, entitled <i>AdvancePCS, eProcrates Handheld Technology Drives Physician Office Efficiency</i> printed April 5, 2002, (4 pages) | |
| | DD | Series of archived Web Pages from www.archive.org (printed October 23, 2002) from www.parkstone.com dated April 7, 2001, entitled: <ul style="list-style-type: none">• <i>Home Page</i>, http://web.archive.org/web/20010202074300/http://parkstone.com (1 page)• <i>Parkstone – About Us</i>, http://web.archive.org/web/200102020900/www.parkstone.com/about (2 pages)• <i>The ParkStone System</i>, http://web.archive.org/web/20010202134900/www.parkstone.com/product.htm (2 pages)• <i>Bi-directional Communication</i>, http://web.archive.org/web/20001207214100/www.parkstone.com/bidirect.htm (1 page)• <i>The Internet as the Data Transfer Platform for the ParkStone System</i>, http://web.archive.org/web/20001207223100/www.parkstone.com/internet.htm (1 page)• <i>Data Collection</i>, http://web.archive.org/web/20001207220200/www.parkstone.com/data.htm (1 page)• <i>Benefits to Patients</i>, http://web.archive.org/web/20001207225800/www.parkstone.com/patients.htm (1 page)• <i>Benefits to Physicians</i>, http://web.archive.org/web/20001207231200/www.parkstone.com/physicians.htm (1 page)• <i>Benefits to Pharmaceutical Industry</i>, http://web.archive.org/web/20001207230800/www.parkstone.com/pharmac.htm (2 page)• <i>Benefits to Managed Care Industry</i>, http://web.archive.org/web/20001207223800/www.parkstone.com/mancare.htm (1 page)• <i>Benefits to Clinical Research</i>, http://web.archive.org/web/20001207234300/www.parkstone.com/research.htm (1 page) | |

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| Examiner Signature | Date Considered |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.



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| Substitute for form 1449A/PTO | | Complete if Known | | | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | Application Number | 09/827,812 | | |
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| | | First Named Inventor | Pollard et al. | | |
| | | Group Art Unit | 2661 | | |
| | | Examiner Name | Gilligan, Christopher | | |
| Sheet | 2 | of | 3 | Attorney Docket Number | 0419-015 |

| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published | T ² |
|-------------------|-----------------------|--|----------------|
| | EE | <p>Series of archived Web Pages from www.archive.org (printed October 24, 2002) from www.proxyMed.com dated October 15, 2001, entitled:</p> <ul style="list-style-type: none">• <i>proxyMed.com Technology</i>, http://web.archive.org/web/20010603153244/corporate.proxymed.com/proxymed_tech.htm (2 pages)• <i>Solutions & Services</i>, (2 pages)• <i>Physicians Office Solutions</i>, http://web.archive.org/web/20010616171106/corporate.proxymed.com/hysicans_office.htm (2 pages)• <i>Healthcare Systems</i>, http://web.archive.org/web/20010616173633/corporate.proxymed.com/hhealthcare_system.htm (2 pages)• <i>Reference Laboratories</i>, http://web.archive.org/web/20010616170135/corporate.proxymed.com/labs.htm (2 pages)• <i>Pharmacies</i>, http://web.archive.org/web/20010813052200/corporate.proxymed.com/pharmacies.htm (2 pages)• <i>Insurance Providers</i>, http://web.archive.org/web/20010803012627/corporate.proxymed.com/insurance_providers.htm (2 pages)• <i>Independent Physician Associations Solutions</i>, http://web.archive.org/web/20010803011946/corporate.proxymed.com/independent_physician_association.htm (2 pages) | |
| | FF | <p>Series of archived Web Pages from www.archive.org (printed November 8, 2002) from www.ePhysician.com dated March 4, 2000, entitled:</p> <ul style="list-style-type: none">• <i>Dedicated to Serving Healthcare Professional and Their Patients</i>, http://web.archive.org/web/2000304020713/http://www.ephysician.com/index.html (1 page)• <i>Product Information</i>, http://web.archive.org/web/2000302231547/www.ephysician.com/product_info.html (2 pages) | |

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|----------------------|--------------------------|---|----------------|
| | GG | Series of archived Web Pages from www.archive.org (printed November 8, 2002) from www.ePhysician.com dated April 4, 2001, entitled: <ul style="list-style-type: none">• <i>What Physicians are Saying</i>, http://web.archive.org/web/20010404213339/http://ephysician.com (1 page)• <i>ePad</i>, http://web.archive.org/web/20010409012400/ephysician.com/products/index.asp?id=epad (2 pages)• <i>ePhysician Demo</i>, http://web.archive.org/web/20010417234144/ephysician.com/products/index.asp?id=epad_demo (2 pages)• <i>Prescribing with ePhysician Just got Smarter -New, ePad integrated with ePhysician A to Z Drug Facts</i>, http://web.archive.org/web/20010414025125/ephysician.com/products/index.asp?id=epadatoz (2 pages)• <i>Prescribing</i>, http://web.archive.org/web/20010417215738/ephysician.com/products/index.asp?id=prescribing (2 pages) | |
| | HH | Barcode Standard of Tech Notes from www.Infomax-usa.com printed November 8, 2002 (2 pages) | |
| | II | Article entitled ClinEffect Corporate Background (2 pages) with link to archived Web Pages from www.archive.org (printed November 8, 2002) from www.microsoft.com dated January 29, 1999, entitled: <ul style="list-style-type: none">• <i>Duke University Medical Center – Solution Overview</i>, http://web.archive.org/web/19990418013159/www.microsoft.com/industry/health/solutions/case/duke... (4 pages)• <i>Duke University Medical Center Pilots Symbol Technologies' Palm Computing Platform</i>, http://web.archive.org/web/20000413151010/www.clineffect.com/sympressrelease.htm (2 pages) | |
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